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RICHARD W. WREKING  
 CLERK  
 U.S. DISTRICT COURT  
 N.D. DIST OF CA. S.J.

**C08 00990 PVT**

10 J & J Sports Productions, Inc.,  
 11 Plaintiff,  
 12 vs.  
 13

**COMPLAINT FOR DAMAGES****DESIGNATION: PROPERTY RIGHTS**

14 Israel Valencia Garcia, individually and  
 15 d/b/a La Copia

16 Defendant.  
 17

**PLAINTIFF ALLEGES:****JURISDICTION**

1. Jurisdiction is founded on the existence of a question arising under particular statutes. This action is brought pursuant to several federal statutes, including the Communications Act of 1934, as amended, Title 47 U.S.C. 605, *et seq.*, and The Cable & Television Consumer Protection and Competition Act of 1992, as amended, Title 47 U.S. Section 553, *et seq.*

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 26 ///  
 27 ///

1       2. This Court has jurisdiction of the subject matter of this action pursuant to 28 U.S.C. Section  
2       1331, which states that the district courts shall original jurisdiction of all civil actions arising under the  
3       Constitution, laws, or treaties, of the United States.

4

5       3. This Court has personal jurisdiction over the parties in this action as a result of the Defendant  
6       wrongful acts hereinafter complained of which violated the Plaintiff's rights as the exclusive  
7       commercial domestic distributor of the televised fight program hereinafter set forth at length. The  
8       Defendant's wrongful acts consisted of the interception, publication, and tortious conversion of said  
9       property of Plaintiff within the control of the Plaintiff in the State of California.

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11

#### VENUE

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13       4. Pursuant to Title 47 U.S.C. Section 605, venue is proper in the Northern District of California,  
14       San Jose Division because a substantial part of the events or omissions giving rise to the claim  
15       occurred in this District.

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#### INTRADISTRICT ASSIGNMENT

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20       5. Assignment to the San Jose Division is proper because a substantial part of the events or  
21       omissions giving rise to the claim occurred in Santa Clara County.

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23

#### THE PARTIES

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6. The Plaintiff, J & J Sports Productions, Inc. is, and at all relevant times mentioned was, a  
California corporation with its principal place of business located at 2380 South Bascom Avenue,  
Suite 200, Campbell, California 95008.  
///  
///

1      7. Plaintiff is informed and believes, and alleges thereon that defendant, Israel Valencia Garcia, is  
2 an owner, and/or operator, and/or licensee, and/or permittee, and/or person in charge, and/or an  
3 individual with dominion, control, oversight and management of the commercial establishment doing  
4 business as La Copa operating at 1131 N. Lawrence Expy, Sunnyvale, California 94089.

5

6

**COUNT I**

7

**(Violation of Title 47 U.S.C. Section 605)**

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9      8. Plaintiff J & J Sports Productions, Inc., hereby incorporates by reference all of the allegations  
10 contained in paragraphs 1-7, inclusive, as though set forth herein at length.

11

12      9. By contract, Plaintiff J & J Sports Productions, Inc., paid for and was thereafter granted the  
13 exclusive nationwide television distribution rights to *Fernando Vargas v. Shane Mosley*  
14 *Championship Fight Program* which took place on February 25, 2006 (this included all under-card  
15 bouts and fight commentary encompassed in the television broadcast of the event, hereinafter referred  
16 to as the "Program").

17

18      10. Pursuant to contract, Plaintiff J & J Sports Productions, Inc., entered into subsequent  
19 sublicensing agreements with various commercial entities throughout North America, including  
20 entities within the State of California, by which it granted these entities limited sublicensing rights,  
21 specifically the rights to publicly exhibit the Program to the patrons within their respective  
22 establishments (i.e., hotels, racetracks, casinos, bars, taverns, restaurants, social clubs, etc.)

23

24      11. As a commercial distributor of sporting events, including the Program, Plaintiff J & J Sports  
25 Productions, Inc., expended substantial monies marketing, advertising, promoting, administering, and  
26 transmitting the Program to its customers, the aforementioned commercial entities.  
27  
28      ///  
29      ///

1       12. With full knowledge that the Program was not to be intercepted, received and exhibited by  
2 entities unauthorized to do so, each and every of the above named defendants and/or his agents,  
3 servants, workmen or employees did unlawfully publish, divulge and exhibit the Program at the time  
4 of its transmission at his Sunnyvale, California location (1131 N. Lawrence Expy, Sunnyvale,  
5 California 94089). Said unauthorized interception, publication, exhibition and divulgence by each of  
6 the defendants was done willfully and for purposes of direct or indirect commercial advantage or  
7 private financial gain.

8  
9       13. Title 47 U.S.C. Section 605, *et seq.*, prohibits the unauthorized publication or use of  
10 communications (such as the transmission for which Plaintiff J & J Sports Productions, Inc., had the  
11 distribution rights thereto).

12  
13       14. By reason of the aforesaid mentioned conduct, the aforementioned defendant, violated Title 47  
14 U.S.C. Section 605, *et seq.*

15  
16       15. By reason of the defendant's violation of Title 47 U.S.C. Section 605, *et seq.*, Plaintiff J & J  
17 Sports Productions, Inc., has the private right of action pursuant to Title 47 U.S.C. Section 605.

18  
19       16. As the result of the aforementioned defendants' violation of Title 47 U.S.C. Section 605, and  
20 pursuant to said Section 605, Plaintiff J & J Sports Productions, Inc., is entitled to the following from  
each defendant:

- 21           (a) Statutory damages for each willful violation in an amount to  
22                   \$100,000.00 pursuant to Title 47 U.S.C. 605(e)(3)(C)(ii), and also  
23  
24           (b) the recovery of full costs, including reasonable attorneys fees,  
25                   pursuant to Title 47 U.S.C. Section 605(e)(3)(B)(iii).

26       ///  
27       ///  
28       ///

1                   **WHEREFORE, Plaintiff prays for judgment as set forth below.**

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3                   **COUNT II**

4                   **(Violation of Title 47 U.S.C. Section 553)**

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6       17. Plaintiff's hereby incorporates by reference all of the allegations contained in paragraphs 1-16,  
7       inclusive, as though set forth herein at length.

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9       18. The unauthorized interception, exhibition, publication, and divulgence of the Program by the  
10      above named defendant are prohibited by Title 47 U.S.C. Section 553 *et seq.*

11

12      19. By reason of the aforesaid mentioned conduct, the aforementioned defendant, violated Title 47  
13      U.S.C. Section 553, *et seq.*

14

15      20. By reason of the defendant's violation of Title 47 U.S.C. Section 553, *et seq.*, Plaintiff J & J  
16      Sports Productions, Inc., has the private right of action pursuant to Title 47 U.S.C. Section 553.

17

18      21. As the result of the aforementioned defendant's violation of Title 47 U.S.C. Section 553, and  
19      pursuant to said Section 553, Plaintiff J & J Sports Productions, Inc., is entitled to the following from  
each defendant:

20

21      (a)     Statutory damages for each willful violation in an amount to  
22                    \$50,000.00 pursuant to Title 47 U.S.C. 553 (b)(2) and also

23

24      (b)     the recovery of full costs pursuant to Title 47 U.S.C. Section 553  
25                    (c)(2)(C), and also

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27      (c)     and in the discretion of this Honorable Court, reasonable attorneys fees,  
28                    pursuant to Title 47 U.S.C. Section 553 (c)(2)(C).

1                   **WHEREFORE, Plaintiff prays for judgment as set forth below.**

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3                   **COUNT III**

4                   **(Conversion)**

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6       22. Plaintiff's hereby incorporates by reference all of the allegations contained in paragraphs 1-21,  
7       inclusive, as though set forth herein at length.

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9       23. By its acts as aforesaid in interception, exhibiting, publishing, and divulging the Program at the  
10      above-captioned address, the aforementioned defendant, tortuously obtained possession of the  
11      Program and wrongfully converted it to its own use and benefit.

12

13       24. The aforesaid acts of the defendant were willful, malicious, and intentionally designed to harm  
14      Plaintiff J & J Sports Productions, Inc., and to subject said Plaintiff to economic distress.

15

16       25. Accordingly, Plaintiff J & J Sports Productions, Inc., is entitled to both compensatory, as well  
17      as punitive damages, from aforementioned defendant as the result of the defendant's egregious  
18      conduct and conversion.

19                   **WHEREFORE, Plaintiff prays for judgment as set forth below.**

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21                   **As to the First Count:**

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- 23       1. For statutory damages in the amount of \$100,000.00 against defendant, and  
24       2. For reasonable attorney fees pursuant to statute, and  
25       3. For all costs of suit, including but not limited to filing fees, service of  
26          process fees, investigative costs, and  
27       4. For such other and further relief as this Honorable Court may deem just  
28          and proper.

1           **As to the Second Count:**

- 2
- 3       1. For statutory damages in the amount of \$50,000.00 against defendant, and;
- 4       2. For reasonable attorney fees as may be awarded in the Court's
- 5           discretion pursuant to statute, and;
- 6       3. For all costs of suit, including but not limited to filing fees, service
- 7           of process fees, investigative costs, and;
- 8       4. For such other and further relief as this Honorable Court may deem just
- 9           and proper.

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11           **As to the Third Count:**

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- 13       1. For compensatory damages in an amount according to proof against defendant, and;
- 14       2. For reasonable attorney fees as may be awarded in the Court's
- 15           discretion pursuant to statute, and;
- 16       3. For all costs of suit, including but not limited to filing fees, service
- 17           of process fees, investigative costs, and;
- 18       4. For such other and further relief as this Honorable Court may deem just and proper.

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20

21           Respectfully submitted,

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23           Dated: 2/18/08

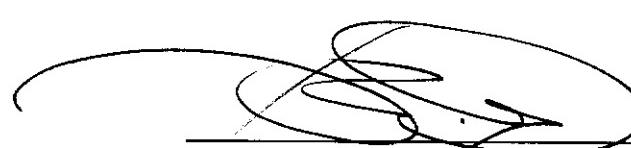
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